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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/069,887      | 06/24/2002  | Hubert Prouvost      | 0040-0151P          | 3880             |

2292 7590 03/25/2003

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EXAMINER

COMAS, YAHVEH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/069,887             | PROUVOST, HUBERT    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Yahveh Comas           | 2834                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/24/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> . | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the supplementary electrical winding as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The supplementary electrical winding for drawing electrical energy is not written in such full, clear and exact term as to enable any person skill in the art to make the invention.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1, 4,5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertram et al. U.S. Patent No. 4,684,840.

Bertram disclose a stator magnetic circuit comprising a first part (3) second hollow part (8) within which is mounted a cylindrical rotor (11) equipped with a rotational shaft (12) supported by two bearings (13 and 14) which motor include a stator chamber (23) with a leak tight wall from a non-magnetic insulating material (25). Also disclose a arranged in such way that the stator magnetic circuit passes through the wall (column 3, lines 45-52), include connections (24) for drawing electrical energy and the bearing (13 and 14) are linked to the second part of the stator magnetic circuit by a fix piece (8) made of a non-magnetic material.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. U.S. Patent No. 4,684,840, as applied to claim 1 above, and further in view of Bresolin U.S. Patent No. 5,767,606.

Bertram disclose the claimed invention except for the shaft of the rotor being linked mechanically to the shaft of the rotor's pump and said rotor is enclosed in a rotor chamber (20) with a inlet and outlet for fluid be pumped, and a jacket produced from a non-magnetic insulating material which encases the first part of the stator magnetic circuit. However, Bresolin

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teach the use a jacket made of resin (12) so as to form a stator capsule for the purpose of insulation of the first part in a submersible pump and a rotor enclose in a rotor chamber with a inlet (24) and outlet (25) with a rotor shat linked mechanically to the rotor's pump (column 4, lines 35-45) . It would have been obvious to one having skill in the art at the time the invention was made to modified Bertram's invention and the use a jacket made of resin (12) so as to form a stator capsule for the purpose of insulation of the first part in a submersible pump and a rotor enclose in a rotor chamber with a inlet (24) and outlet (25) for the purpose of pump out the fluid.

8. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. U.S. Patent No. 4,684,840 as applied to claim 1 above, and further in view of Johnatakis et al U.S. Patent No. 5,134,328.

Bertram disclose the claimed invention except for an inlet tapping and an outlet tapping mounted on the wall of the stator chamber for connecting an external device for cooling a fluid filling the stator chamber. However, Johnatakis disclose a dynamic cooling system via the addiction of tubular cooling extensions (100) and (102)for the purpose of heat exchange and recirculation.

It would have been obvious to one having skill in the art at the time the invention was made to modified Bertram's invention and include an inlet and outlet tapping mounted on the housing wall for the purpose of heat exchanging and recirculation.

*Allowable Subject Matter*

9. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (703) 305-3419. The examiner can normally be reached on M - F 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 308-0956 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

YC  
March 24, 2003

KARL TAMAI  
PRIMARY EXAMINER

